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SUBJECT: BRATISLAVA INPUT FOR HDIM MEETING

REF: SECSTATE 59944

¶1. (U) Embassy welcomes the opportunity to contribute to the HDIM process and would like to highlight three areas which correspond to OSCE HDIM commitments:

#### Judiciary

¶2. (U) Despite the efforts that went into preparing the Slovak judicial system for full membership in the European Union and NATO, corruption, intimidation of judges, and subversion of the rule of law weaken the country's ability to uphold its OSCE commitments to ensure "the independence of judges and the impartial operation of the public judicial service" (1990 Copenhagen Document). As we have reported in Bratislava 282, 248, 221, 166, and previous telegrams, the Slovak judicial system is suffering under the current government, with implications for U.S. interests. There exists a widespread perception among both Slovak citizens and foreign observers that, at a minimum, judges are subject to outside influence, whether financial or political. The problem is not simply personal (e.g., ex-Justice Minister and newly-elected Supreme Court Chairman Stefan Harabin) or structural (e.g., the ongoing question of the fate of the Special Court for anti-corruption case). Many U.S. and other foreign investors - as well as the U.S., UK, Dutch, and other like-minded embassies - see the problem as systemic. While we fully recognize the sensitivities involved in criticizing a NATO ally's judicial system, U.S. interests - both economic and political - lead us to recommend that increased attention be paid to developments in the Slovak judiciary.

#### Roma

¶3. (U) As reported in Bratislava 243, 182, 163, and previous, and detailed in our annual Human Rights Report submission, Slovakia's treatment of its Roma minority continues to raise questions about its willingness to meet OSCE standards. Discrimination against the Roma remains widespread throughout society, but is particularly noteworthy in education and employment practices. This year has already seen the physical and psychological abuse of six Roma minors who had been arrested in Kosice; while the prosecutorial investigation of the policemen involved continues, we believe that Slovakia's OSCE commitments to "take all necessary measures to ensure that law enforcement personnel, when enforcing public order, will not exceed the needs of enforcement; ensure that law enforcement acts are subject to judicial control, that law enforcement personnel are held accountable for such acts" (1991 Moscow Document) are also in question. We should encourage the government to ensure that the police implement reforms in human rights training for all police officers, and particularly those who deal with minority communities. And while nine policemen have been fired as a result of the scandal, we should also register our high-level interest in ensuring that perpetrators of such flagrant human rights abuses are brought to justice in the courts.

#### Media Freedom

14. (U) Our contacts in the media continue to report an atmosphere of increasing intimidation. As we have detailed most recently in Bratislava 256 and 176, the restrictive press law and the rash of high-value libel awards to politicians and other public figures threaten to create a chilling effect on the press and undermines Slovakia's commitment to guarantee freedom of expression as stated in the 1990 Copenhagen Document and others. OSCE Media Freedom Rapporteur Haraszti has been engaged on this issue in the past, and we believe the U.S. should also join at the multilateral level in support of a free and fully-functioning press.

EDDINS